

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 18, 1996
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stallings at 2:08 p.m. City Manager McGrory introduced the new Assistant City Manager, Penelope Culbreth-Graft, who was selected after an extensive nationwide search. Mayor Golding and Council members welcomed her to the City. The meeting was adjourned by Mayor Golding at 7:01 p.m. into Closed Session on Tuesday, March 19, 1996, at 9:00 a.m. in the twelfth floor conference room to discuss pending and potential litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (mp)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present

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- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Noel Estergren of First Lutheran Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding income taxes and refunds, and about criminal actions by the IRS. Mr. Stillwell also commented on the federal government's criminal activity involving the Social Security scam.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-071.)

ITEM-PC-2:

Comments by Bob Scheidt regarding "endangered species" and "rats", and hypocrisy in higher places.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-089.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comments by Janice Samudio regarding Subarea 5 in the Future Urbanizing Area. She stated that the owners were distressed about the barricades placed on Road Survey 65 which blocked the residents' easterly access. She stated that City representatives took the position to close off and landlock properties in this area according to a letter from CALTRANS dated March 14, 1995.

She claimed that this was a violation of the law. Ms. Samudio submitted a petition, signed by 14 property owners representing over 500 acres, to the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-141.)

ITEM-PC-4:

Comments by Rod Fiori regarding the homeless at NTC. He presented a petition on the homeless at NTC to Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A142-161.)

ITEM-PC-5: REFERRED TO CITY MANAGER

Comments by Steve Smith about a street vacation by the City in 1991 and that that piece of property has not yet transferred to him and his parents. Mr. Smith cited mismanagement by the City and incompetence and negligence by Council, by the Engineering Department, and by the City Manager's Office. Mr. Smith stated that he wants compensation for his documents lost by the Engineering Department, wants fact-finding, and wants this problem resolved.

FILE LOCATION: AGENDA

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COUNCIL ACTION: (Tape location: A162-216.)

ITEM-PC-6: REFERRED TO PUBLIC SAFETY AND NEIGHBORHOOD
SERVICES COMMITTEE

Comments by Jason Derby, Sean Bentz, Karen Zaustinsky, and Cleo Malone regarding the sale of "Hooch", an alcoholic lemonade beverage in San Diego. They stated that this alcoholic beverage is being marketed directly to the young people. They cited lack of responsibility on the part of the alcohol industry and expressed their desire to have these types of products removed from market shelves.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A217-330.)

ITEM-PC-7:

Comments by Mel Shapiro regarding the Housing Commission and abuses in the rent subsidy program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A331-375.)

ITEM-PC-8:

Comments by "Sky" David Bruce Thompson complimenting Mayor Golding on the curfew for teenagers, and complimenting Jeffery Tom of Council Member Kehoe's office for his assistance in stopping drug activity on a particular corner in District 3.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A376-404.)

COUNCIL COMMENT:

ITEM-CC-1:

Deputy Mayor Stallings briefed Council on her

accomplishments regarding her recent trip to Washington, D.C. She stated that money is now available through September 1996 to treat sewage from Tijuana and that when the plant is completed in January 1997 that money should be available for full operation of the plant. She stated that she asked the House Energy and Water Appropriation Committee for \$18M to ensure the continuation of the reclamation and repurification programs essential to San Diego. Deputy Mayor Stallings also stated that she met with people at the Department of Justice, in particular the Assistant Director of Grants Administration. She shared with the Council the recognition given to Chief Sanders and all of his officers and that this recognition would make all San Diegans very proud. The Assistant Director would like San Diego to be used as a standard for teaching other cities how to get better neighborhood policing and problem-solving programs going.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A405-499.)

ITEM-CC-2:

Council Member Stevens also briefed Council on his trip to Washington, D.C., and commented on three areas of concerns:

- 1) Summer Youth Job Programs;
- 2) Financial assistance for public transportation and especially for the Arizona Eastern Railway line which will be of great benefit to the Port District;
- 3) Meeting with Congressman Lewis regarding the construction of the treatment plant at the border and operating the plant after construction.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A500-552.)

ITEM-CC-3:

Council Member Kehoe thanked Council Member McCarty and Mayor Golding for attending the opening and dedication of the Mid-City Police Substation and community gymnasium on Saturday. She thanked all Council members

for their past support for the police substation funding.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A553-578.)

ITEM-CC-4:

Council Member Warden commented on the reopening of the Symphony and extended best wishes and good luck on their reopening this season.

Mayor Golding stated that the Symphony was not "out of the woods" yet and that they have hired a consultant to assist them.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A579-609.)

ITEM-30: APPROVED MINUTES

Approval of Council Minutes for the Meetings of:
2/12/96
2/13/96
2/13/96 Special Joint Meeting
2/26/96 Adjourned
2/27/96 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A621-647.)

MOTION BY WEAR TO APPROVE THE MINUTES. Second by Stevens.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Proposal to Lease Space at Encanto Standpipe to Nextel Communications.

(Skyline Community Area. District-4.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
3/4/96. (Council voted 9-0):

(O-96-110) ADOPTED AS ORDINANCE O-18272 (New Series)

Authorizing a five-year lease agreement with three
five-year options to extend, with Fleet Call West,
Inc., (Massachusetts Corporation) dba Nextel
Communications, for approximately 800 square feet of
space at the Encanto Reservoir located at Aviation
Drive and Benson Avenue (Redwood Village Standpipe)
being a portion of Lot 162, Encima De San Diego,
Map-1546, for communication purposes, at an initial
annual rent of \$12,000.

FILE LOCATION: LEAS - Fleet Call West, Inc., (Massachusetts
Corporation) dba Nextel Communications
LEASFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Amendment to the San Diego Maintenance District
Ordinance of 1975.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-111) INTRODUCED, TO BE ADOPTED APRIL 1, 1996

Introduction of an Ordinance amending Chapter VI,
Article 5, Division 2, of the San Diego Municipal Code
by adding a new Section 65.0234, relating to Refunding
Surpluses in the San Diego Maintenance District
Procedural Ordinance of 1975.

CITY MANAGER SUPPORTING INFORMATION:

Last year the City facilitated the paving of streets in an area known as Del Mar Terraces through the use of an Assessment District. Specifically, the San Diego Maintenance District Procedural Ordinance was utilized which was the only mechanism available given the specific circumstances relating to the Del Mar Terraces situation. The project has been completed and because it is under budget, funds are available from the assessments to either provide refunds to the property owners and/or pay for the maintenance of the streets. A post card survey of the property owners indicated that it was their preference to provide refunds while still holding enough funds to pay for five years' worth of assessments. In this way, maintenance assessments would not commence until the sixth year. It was recently discovered that the section of the Municipal Code utilized for this project does not provide for the refunding of funds from the Assessment District. This action will provide such a mechanism.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO INTRODUCE THE ORDINANCE.
Second by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Real Estate Assets Department's Conflict of Interest
Code Amendment No. 4.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-886) ADOPTED AS RESOLUTION R-287018

Adopting the revised Conflict of Interest Code for the
Real Estate Assets Department.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 87300, et. seq.) requires all agencies to review their Conflict of

Interest Code every two years (even numbered) and as needed submit for approval a revised Code to the City Council. The current Conflict of Interest Code for the Real Estate Assets Department was approved in December 1994. This amendment to the Conflict of Interest Code updates the Code itself, Appendix A to add positions resulting from organizational changes and Appendix B to conform to overall City Policy. The City Attorney's office has reviewed the proposed revisions to the Real Estate Assets Department's designated positions and has determined that they conform to the standards set by the Fair Political Practice Commission (FPPC).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Two actions related to the Final Subdivision Map of Carmel Valley Neighborhood 9, Unit No. 4.

(A 12-lot subdivision located southwesterly of Carmel Country Road and Townsgate Drive. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-898) ADOPTED AS RESOLUTION R-287019

Authorizing a Subdivision Improvement Agreement with Pardee Construction Company, for the installation and completion of public improvements.

Subitem-B: (R-96-891) ADOPTED AS RESOLUTION R-287020

Approving the final map.

FILE LOCATION: SUBD - Carmel Valley Neighborhood 9, Unit No.
4 CONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Glencoe Heights Subdivision Agreement.

(Skyline Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-942) ADOPTED AS RESOLUTION R-287021

Reaffirming approval of "Glencoe Heights" Subdivision Map and modifying the Associated Subdivision Agreement.

CITY MANAGER SUPPORTING INFORMATION:

On May 9, 1989, the City Council approved Tentative Map TM-88-0460 for Glencoe Heights Subdivision. This project was presented to the City Council on February 22, 1993 for approval of the final map (R-281485), execution of a Subdivision Deferred Improvement Agreement (R-281484) and a Joint Use Agreement with the City of Lemon Grove (R-281486). Due to financial difficulties, the subdivider did not record the final map. The property is now owned by a different entity who is willing and capable of recording the final map and providing the associated improvements in accordance with the approved tentative map. City Council Resolution No. R-281485 and No. R-281486 dated February 22, 1993 for approval of the final map and execution of the Joint Use Agreement respectively are still valid. This request is for execution of a standard Subdivision Improvement Agreement with the new owner in lieu of the previously approved Subdivision Deferred Improvement Agreement.

FILE LOCATION: SUBD - Glencoe Heights CONTFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,

Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Grant of Communication Easement to Pacific Bell.
(City of Escondido.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1004) ADOPTED AS RESOLUTION R-287022

Authorizing the execution of a deed conveying to
Pacific Bell an easement for underground communication
facilities and appurtenances affecting a portion of
City-owned Parcels 1 through 4 of Parcel Map PM-17620.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into a 55-year ground lease in 1993 with Plaza del Lago, LLC, to develop a neighborhood commercial center on 3.75 acres of vacant Water Utilities land at Via Rancho Parkway and Interstate 15 in Escondido. The lessee has obtained all development approvals from the City of Escondido and is starting construction. The proposed easement to Pacific Bell is for underground telephone service to the shopping center. The lessee is paying all installation costs and has approved the location of the easement. The size of the proposed easement is about 8,000 square feet.

FILE LOCATION: DEED F-6703 DEEDFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Fiesta Island Replacement Project/Vernal Pool
Mitigation Land.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1016) ADOPTED AS RESOLUTION R-287023

Accepting a grant deed of Malley J. Cornell, Charles J. and Monique F. Biddle, granting to the City approximately 40 acres of land in the Otay Mesa Area, which will provide biological mitigation for vernal pool impacts associated with construction of the FIRP/NSPS project;

Authorizing the expenditure of an amount not to exceed \$410,000 from CIP-42-911.4 (FIRP/NSPS) for acquisition of the property rights and related costs.

CITY MANAGER SUPPORTING INFORMATION:

The U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers are requiring the purchase of vernal pool basin habitat to mitigate the impact to vernal pools associated with the construction of the Fiesta Island Replacement Project/Northern Sludge Processing Facility. Authorization and funding to acquire 40 acres of land owned by Malley Cornell and Charles and Monique Biddle will provide a portion of the vernal pool basin habitat required for mitigation purposes.

Aud. Cert. 9600918.

FILE LOCATION: DEED F-6704 DEEDFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Building Rights Relinquished Abandonment.
(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1019) ADOPTED AS RESOLUTION R-287024

Authorizing the execution of a quitclaim deed, quitclaiming to Miramar Ranch North an unneeded easement in portions of Lots 24, 25, 44 and 83 of Scripps Ranch North Unit No. 7, Map-13129, for the cost of processing.

FILE LOCATION: DEED F-6705 DEEDFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Exclusive Sale - City-Owned Land - East of Bandy Canyon Road.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1003) ADOPTED AS RESOLUTION R-287025

Authorizing the sale by negotiation of a portion of the Southwest Quarter and the Southeast Quarter of Section 31, Township 12 South, Range 1 East, San Bernardino Meridian, for the amount of \$42,700 to the State of California;

Authorizing a grant deed, granting to the State of California the above property;

Declaring that no broker's commission shall be paid by the City on the negotiated sale;

Authorizing the City Manager to execute a Right-of-Way Contract conveying to the State of California the above property.

CITY MANAGER SUPPORTING INFORMATION:

The subject property is required by CalTrans for a proposed curve widening of Highway 78 near Ramona. The property consists of three parcels totaling 23.256 acres in fee, and .598 acre temporary construction easement. The property is owned by the Water Utilities Department, which has reviewed the sale and has no opposition. The parcels were appraised at \$42,700 by a CalTrans appraiser and reviewed by City of San Diego Valuation staff. The land is currently undevelopable due to rocky mountainous terrain without public utilities.

FILE LOCATION: DEED F-6706 DEEDFY96-1 CONTFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-107:

SUBJECT: Appointing the Management Team for Purposes of Meeting and Conferring with Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1011) RETURNED TO CITY MANAGER

Appointing and designating the following persons as the Management Team for purposes of meeting and conferring with recognized employee organizations:

Jack McGrory, City Manager
Bruce Herring, Deputy City Manager
Cathy Lexin, Labor Relations Manager
Bill R. Lopez, Management Assistant
Agnes Generoso, Management Assistant
John M. Kaheny, Assistant City Attorney
Sharon A. Marshall, Deputy City Attorney

Appointing the Personnel Director and the Retirement Administrator as members of the Management Team, pursuant to California Government Code Section 3500 et seq. and Council Policy 300-6, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code Section 3500 et seq., commonly referred to as the Meyers-Miliias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations which govern employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process. It is recommended that the resolution be adopted which establishes and identifies the Management Team for purposes of meeting and conferring with employee organizations in order to reach agreement on a Memorandum of Understanding (MOU) and/or successor agreements pursuant to Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G148-344.)

* ITEM-108:

SUBJECT: Fourth Annual Fourth Council District Arts & Cultural Festival.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1045) ADOPTED AS RESOLUTION R-287026

Waiving the provisions of Council Policy 100-2 to allow receipt of donations for the Fourth Annual Fourth Council District Arts and Cultural Festival on the second Saturday of April, 1996, and in years thereafter;

Continuing and appropriating the Fourth Council District Arts and Cultural Fund 63064 for the purpose of the event. Any carry over monies from the previous year are hereby appropriated for the purpose for which the fund was created;

Authorizing the City Manager to execute all contracts necessary regarding the event, the contracts to be funded to the extent of monies donated and received by the Auditor and Comptroller;

Approving the proposed budget for the Fourth Annual
Fourth Council District Arts and Cultural Festival to
be held on Saturday, April 6, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: Susan Lew Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1034) ADOPTED AS RESOLUTION R-287027

Recognizing and commending Susan Lew for her service
and commitment to making San Diego "America's Finest
Port City" during her tenure as chair of the San Diego
Unified Port District Board;

Proclaiming Friday, March 22, 1996 to be "Susan Lew
Day" in San Diego, in recognition of Susan Lew's
achievements in chairing the San Diego Unified Port
District Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Excusing Councilmember Juan Vargas from attending the

PS&NS Committee Meetings of 2/7/96 and 2/21/96.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1013) ADOPTED AS RESOLUTION R-287028

Excusing Councilmember Juan Vargas from attending the Public Safety and Neighborhood Services Committee meetings of February 7, 1996, due to a personal appointment, and February 21, 1996, due to an emergency in the Tijuana River Valley.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: FY 1997 California Arts Council State/Local Partnership Grant (CAC/SLPP).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-938) ADOPTED AS RESOLUTION R-287029

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$30,000 for the Fiscal Year 1997 Arts and Cultural Program, to support programs and services of the Commission for Arts and Culture;

Directing the City Manager to identify funds in the 1997 Fiscal Year Budget to serve as matching funds in the event the City receives the CAC grant;

Authorizing the City Manager to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal Year 1997,

for program and administrative support of the City's Arts and Culture Program and the Neighborhood Arts Program.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to "encourage local cultural planning and decision-making and to reach previously under served constituencies." The San Diego City Council, by Resolution R-252650, adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983. In 1984, the City Council changed this designation and identified itself as the local partner. An application for funding in the amount of \$30,000 will be submitted to the California Arts Council State/Local Partnership Program for the Fiscal Year 1997 Arts and Cultural Program to support the administration and programs and services of the Commission for Arts and Culture and its Neighborhood Arts Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Arts and Culture Transient Occupancy Tax Fiscal Year 1996 Waivers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-980) ADOPTED AS RESOLUTION R-287030

Granting waivers to all or part of Council Policy 100-03 for twelve organizations, described as follows:

African-American Museum of Fine Arts - 100-03.B.5
Fritz Theatre - 100-03.A.3.,B.5

Isaacs, McCaleb and Dancers - 100-03.A.3.,B.8
La Jolla Chamber Society - 100-03.A.3
Maliaika Cultural West African Drumming and Dance -
100-03.A.3.,A.5
Mingei International Museum - 100-03.A.3.,F.1.d
Persian Cultural Center - 100-03.A.3
Prophet World Beat Center - 100-03.A.3
San Diego Actors Theatre - 100-03.A.3.,B.8
San Diego Early Music Society - 100-03.A.3
San Diego Women's Chorus - 100-03.A.3.,A.5
Southeast Community Theatre - 100-03.A.3.,B.5.,F.1.d

CITY MANAGER SUPPORTING INFORMATION:

As part of the application process for funding under the City of San Diego Commission for Arts and Culture Organizational Support Program, organizations request waivers to City Council Policy 100-03 regarding Transient Occupancy Tax requirements. Twelve organizations did not complete the application for funding correctly and omitted their request for waivers on the title page of the application. Due to this fact, Financial Management did not have the correct information to complete the Council budget notes based on the information provided by the Commission. After subsequent review of their application, the waivers listed above were found to be needed by these organizations; these organizations are requesting Council approval of waivers to Council Policy 100-03. Definition of policy for which the organization is requesting the waiver:

Policy 100-03.A.3: Programs or special events supported by the City must be open to the public and free of charge. Donations, however, are not prohibited.

Policy 100-03.A.5: The City will only provide funding support to a legally constituted nonprofit corporation completely directing and in complete control of its own affairs through its own officers and members. Support for special events must also be directed to a sponsoring nonprofit corporation. It is the policy of the City to fund local community organizations only. A representative of the City designated by the City Manager shall conduct liaisons with the corporation and shall be permitted to attend meetings of the board of directors of such organizations. NOTE: Organizations requesting this waiver have a fiscal agent that will be receiving City funding. Each of these organizations' fiscal agents are legally constituted nonprofit organizations.

Policy 100-03.B.5: Except as otherwise may be provided, funding for an operating program will be predicated on an organization

matching every City funded dollar with at least three dollars from sources other than the City. Funding for a special event will be predicated on an organization matching every City funded dollar with at least one dollar from sources other than the City. Any support services provided by the City shall be considered as City funds. Donated services or products shall not be considered as matching funds.

Policy 100-03.B.8: It is the Council's policy to not subsidize participation in events held outside the City of San Diego, by individuals, groups or teams, unless there is some unusual, compelling reason why substantial promotional value will accrue to the City because of such participation.

Policy 100-03.F.1.d: If City funding is \$20,000 or greater, audited financial statements, including Items a, b and c above, must be prepared by an independent Certified Public Accountant.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Settlement of the Property Damage Claim of Mingus Construction.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-901) ADOPTED AS RESOLUTION R-287031

A Resolution approved by the City Council in Closed Session on Tuesday, February 6, 1996 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$740,000 in the settlement of each and every claim

against the City, its agents and employees, related to Mingus Constructors, Inc. v. City of San Diego Water Utilities Department, et al., Case No. 95-1551 BTM (AJB), filed in the United States District Court;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$740,000 made payable to Mingus Constructors, Inc., and its attorney of record, Guy Bluff, Esq., in full settlement of the lawsuit and of all claims;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$290,000 from the Water Operating Fund 41500, Unallocated Reserve, Program Element 70679 to the Dulzura Renovation Project CIP-73-252.0, to be payable from Fund No. 40012.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Property Damage Claim of Mingus Construction against the City of San Diego, its agents and employees, as a result of an incident which occurred on November 9, 1993.

Aud. Cert. 9600895.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Truck Prohibition on Illion Street between Milton Street and Gardena Avenue.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-932) ADOPTED AS RESOLUTION R-287032

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on Illion Street between Milton Street and Gardena Avenue;

Authorizing the installation of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

Property owners on Illion Street between Milton Street and Gardena Avenue have submitted a favorable petition (representing 75% of the abutting property owners) requesting that truck prohibition on Illion Street be established. The petition is to insure significant support from the residents on the street. Trucks making local deliveries and providing service on Illion Street are exempted from the prohibition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-115:

SUBJECT: Closure of Gunn Street East of Utah Street.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-998) RETURNED TO CITY MANAGER

Authorizing the closure to vehicular traffic of a segment of Gunn Street east of Utah Street and the easterly property line of 3743 28th Street.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Unified School District requested that a segment of Gunn Street east of Utah Street be closed to vehicular traffic because it divides Jefferson Elementary School. The kindergarten facilities are located on the south side of Gunn Street, causing the kindergarten students to cross Gunn Street several times a day. This segment of Gunn Street is recommended for closure to vehicular traffic for the protection of persons attending Jefferson Elementary School. This closure is consistent with the provisions of California Vehicle Code Section 21102. The affected street segment is low-volume and has no fronting property. The closure is not expected to have a detrimental effect on traffic circulation in the area. The Greater North Park Community Planning Committee has approved the closure.

FILE LOCATION: STRT - J-2838

COUNCIL ACTION: (Tape location: B017-024.)

* ITEM-116:

SUBJECT: Second Amendment to the Agreement with Black
Contractors Association, Inc.

(South Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-923 Cor.Copy) ADOPTED AS RESOLUTION R-287033

Authorizing a second amendment to the agreement with Black Contractors Association, Inc., for the design and construction of a Teaching Studio for the Applied and Practical Industrial Arts and other specific commercial uses;

Authorizing the expenditure of not to exceed \$340,000 from CDBG Fund 18529, Dept. 4042, Org. 4209, JO 112359, and not to exceed \$300,000 from CDBG Fund 18530, Dept. 4042, Org. 6208, JO 112359.

CITY MANAGER SUPPORTING INFORMATION:

The Black Contractors Association (BCA) is a non-profit organization dedicated to providing services to construction contractors and youth mentorship to the community. The BCA is

proposing to design and build a 9,567 sq. ft. training facility at 6125 Imperial Avenue in the South Encanto area of San Diego. The proposed facility will provide hands-on pre-apprenticeship training opportunities to youths interested in entering the construction trade.

On May 24, 1993, City Council adopted Resolution No. R-282036 granting \$600,000 of Fiscal Year 1994 CDBG Funds to BCA for this project. On November 29, 1993, City Council adopted Resolution No. R-283065 authorizing the expenditure of \$260,000. \$200,000 for design of the building and preparation of a plan to abate an existing underground fuel tank, and \$60,000 for City administration costs; and on July 11, 1994, City Council adopted Resolution No. R-284272 authorizing \$24,564 from the approved \$260,000 to be used for BCA's administrative expenses. On May 9, 1994, Council adopted Resolution No. R-283845 granting an additional \$300,000 for this project. This action will authorize the expenditure of \$640,000 for removal and clean up of contaminated soil, and construction of the proposed training facility.

Aud. Cert. 9600855.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: Two actions related to First Amendment to the Agreement with Chicano Federation of San Diego, Inc.

(Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-983) ADOPTED AS RESOLUTION R-287034

Authorizing a First Amendment to the Agreement with Chicano Federation of San Diego, Inc., for the design and construction renovation of their buildings at 2130 Market Street and 610 22nd Street;

Authorizing the expenditure of not to exceed \$225,000 from CDBG Fund 18530, Dept. 4062, Org. 6202, JO 112003 and not to exceed \$100,000 from CDBG Fund 18531, Dept. 4082, Org. 8211, JO 112003.

Subitem-B: (R-96-984) ADOPTED AS RESOLUTION R-287035

Certifying that Negative Declaration DEP-93-0038BG has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines (California Code of Regulations Section 15000 et seq.), and the National Environmental Policy Act (NEPA); that the declaration reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with approval of the First Amendment to the Agreement with Chicano Federation of San Diego, Inc.

CITY MANAGER SUPPORTING INFORMATION:

The Chicano Federation of San Diego County is a non-profit community based organization founded in 1968 to promote the self sufficiency of the Latino community. Its mission is to develop leadership, promote community development, provide quality services, and advocate on behalf of the Latino community. It provides senior services, in-home support services, social and legal counseling, leadership training institute, community development, telecommunications projects, and several other community based services. Chicano Federation is proposing to design and renovate an old church which has historic significance at 2130 Market Street to be used as a community and training center. On December 8, 1992, City Council adopted Resolution No. R-281232 authorizing the expenditure of \$159,064 for the development of a master plan and design of this project. On May 9, 1994, City Council adopted Resolution No. R-283845 granting \$225,000 of CDBG funding for this project, and on May 1, 1995 City Council adopted Resolution No. R-285685 granting an additional \$100,000. This action will allow the additional \$325,000 to be used for this project.

Aud. Cert. 9600888.

FILE LOCATION: Subitem-A,B: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second

by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Agreement with the Linda Vista Health Care Center.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1000) ADOPTED AS RESOLUTION R-287036

Authorizing an agreement with the Linda Vista Health
Care Center to make available to the Agency \$105,634.89
in CDBG Funds, for the Master Plan and the design of
the Agency's additional building with connection to the
original building;

Authorizing the expenditure of not to exceed \$125,000
from CDBG Fund 18529, Linda Vista Health Care Center.

CITY MANAGER SUPPORTING INFORMATION:

The Linda Vista Health Care Center is a multi-service health clinic located at 6973 Linda Vista Road. This project consists of a master plan and design for the expansion and renovation of the cramped and crowded physical facility of the Linda Vista Health Care Center, which currently delivers 21,000 medical visits per year. The community urgently needs to expand the operation in order to deliver 30,000 medical visits per year. The clinic has purchased an adjacent piece of land for \$140,000 with the grant and with Resolution R-286234, dated August 14, 1995. With the remaining money the Agency will employ an Architect to develop a master plan and design a new facility on the land and connect it to the existing facility. This proposal addresses the critical need to add examination rooms and a second story to accommodate medical records, storage, and psycho-social examination rooms.

FISCAL IMPACT:

The remaining grant amount of \$125,000 is available from CDBG Program Fund 18529, Dept. 4042, Org. 4213, Object Account 4116.

City administrative costs will be retained as a portion of this project.

Aud. Cert. 9600887.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: San Diego Jack Murphy Stadium Color Boards.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1022 Cor.Copy) ADOPTED AS RESOLUTION R-287037

Ratifying the agreement with Sony Corporation which was authorized by Resolution R-286950, on February 20, 1996 and the Color Board Lease Agreement which was authorized by Ordinance O-18175 on May 1, 1995.

CITY MANAGER SUPPORTING INFORMATION:

On February 20, 1996, the City Council approved Sony as the vendor to supply and install two color boards and a new control room at San Diego Jack Murphy Stadium per terms described by the City Manager in supporting documentation and presented at the public hearing. Since that time a contract with Sony has been prepared consistent with the aforementioned terms. This action will authorize the City Manager to execute the final contract with Sony in an amount not to exceed \$8,000,000.

FILE LOCATION: MEET (61 Stadium) CONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Agreement with Villa View Health Services for S.A.R.T.
Facility.

(Mid-City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-880) ADOPTED AS RESOLUTION R-287038

Authorizing an agreement with Villa View Health
Services for design and construction of its double-wide
trailer at 5550 University Avenue;

Authorizing the expenditure of not to exceed \$108,000
from CDBG Fund 18531, Dept. 4082, J.O. 112589.

CITY MANAGER SUPPORTING INFORMATION:

Villa View Health Services Foundation serves the health care needs of the families and individuals living in City Heights and also serves the largest medical concentration in San Diego County. Villa View offers a number of specialty programs from computerized cardiopulmonary monitoring to low cost mammography screening. Villa View is proposing to acquire and install a double-wide trailer to house the Sexual Assault Response Team (S.A.R.T.). Begun in 1991, SART is a multi-disciplinary response to victims of sexual assault. It performs forensic examinations for the San Diego Police Department on male/female victims 18 years of age or older. On May 1, 1995, Council adopted Resolution R-285685 granting \$108,000 of Fiscal Year 1996 CDBG Funds for this project. This action will allow the \$108,000 to be used for this purpose.

Aud. Cert. 9600800.

FILE LOCATION: MEET CCONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Water and Sewer Main Replacement Group 76, Contract
Change Order No. 1.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-939) ADOPTED AS RESOLUTION R-287039

Approving Change Order No. 1, with Suncoast Pipeline,
Inc., increasing the contract price by \$72,533;

Authorizing the expenditure of not to exceed \$72,533
from Sewer Revenue Fund No. 41506, Sewer Construction
Outlay 70492, Fiscal Year 1996, CIP-44-001.0, Annual
Allocation for Sewer Main Replacement.

CITY MANAGER SUPPORTING INFORMATION:

On March 20, 1995, the City Council approved the plans and specifications, and authorized the execution of a contract for Water and Sewer Main Replacement Group Job 76 (R-285459). The City Manager awarded a contract for \$1,237,415 to Suncoast Pipeline on June 6, 1995. Contract Change Order No. 1 includes the replacement of approximately 850 feet of existing 8-inch deteriorated concrete sewer mains located within the Kensington Community area. This work was originally part of Group Job 505 planned for construction in 1998. However, due to repeated complaints of odor and sinking ground from residents within the area, City staff decided to accelerate the replacement of the sewer mains and include this work by change order into Group Job 76. The cost of this work is \$72,533. The Construction Engineer negotiated the cost of this additional work using the same unit prices used in the original contract.

Aud. Cert. 9600844.

WWF-96-204.

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FILE LOCATION: CONT - Suncoast Pipeline, Inc.
 CONTFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Two actions related to the North City Raw Sludge and
Water Pipelines Part 2 - Change Order No. 2.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-1037) ADOPTED AS RESOLUTION R-287040

Approving Change Order No. 2, dated January 11, 1996
with Cass Construction, Inc. regarding the North City
Raw Sludge and Water Pipelines Part 2, increasing the
contract price by \$566,058;

Authorizing the expenditure of not to exceed \$566,058
from Fund 41509, CIP-42-911.3, Job Order No. 199379.

Subitem-B: (R-96-1038) ADOPTED AS RESOLUTION R-287041

Certifying that the information contained in the
Addendum to Environmental Impact Report DEP-96-0116,
has been completed in compliance with the California
Environmental Quality Act of 1970, as amended, and
State guidelines, that the Addendum reflects the
independent judgment of the City as Lead Agency, and
that the Addendum has been reviewed and considered by
the Council.

CITY MANAGER SUPPORTING INFORMATION:

A landfill gas collection system is being constructed by NEO
Corporation at the Miramar Landfill. Some of the landfill gas
collected will be used to generate electricity at the Metro

Biosolids Center (MBC). NEO Corporation has an option in their Privatized Miramar Cogeneration Contract to make a first proposal to design, build, operate and finance a Cogeneration system at the NCWRP. To utilize the additional landfill gas to the benefit of the City, a conveyance pipeline is proposed to a cogeneration system that will burn the landfill gas and will provide the North City Water Reclamation Plant (NCWRP) with inexpensive electricity. Power generated at this cogeneration facility located at the NCWRP could save the City approximately \$1,000,000 per year in reduced energy costs. The proposed landfill gas conveyance pipeline to the NCWRP would follow the same route as the North City Raw Sludge and Water Pipelines Part 2 (NCRS&WP Part 2). The landfill gas pipeline will begin at a landfill gas compression station located at STA146+00 of the NCRS&WP Part 2 near the northwest corner of the West Phase II Miramar Landfill and end at the point of connection with the NCRS&WP Part 1, 120 feet south of Miramar Road within NAS Miramar. This Change Order No. 2 includes the construction of the landfill gas pipeline. The change is: Furnish and install 11,300 feet of 10-inch landfill gas pipeline - \$566,058 (increase).

Aud. Cert. 9600940.

FILE LOCATION: Subitem-A,B: CONT - Cass Construction, Inc.
CONFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Annual Equal Employment Opportunity Report.

(See Report from the Personnel Director dated 2/6/96.)

PERSONNEL DIRECTOR'S RECOMMENDATION:

Adopt the following resolution:

(R-96-981) ADOPTED AS RESOLUTION R-287042

Accepting the Annual Equal Opportunity Report from the Personnel Director, dated February 6, 1996, covering

the period from December 30, 1994 to December 15, 1995.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 2/21/96 PS&NS voted 3-0 to approve and accept the report, on consent. (Councilmembers Wear, Kehoe, and McCarty voted yea; Councilmembers Stevens and Vargas not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-124:

SUBJECT: Two actions related to North University City FY 1996 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P-96-044. University Community Planning Area. District-1.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-96-1005) ADOPTED AS RESOLUTION R-287043

Approving the document entitled "North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 1996, September, 1995," and approving the Errata dated February 21, 1996 to be incorporated therein.

Subitem-B: (R-96-1006 Cor.Copy) ADOPTED AS RESOLUTION
R-287044

Resolution of Intention to designate an area of benefit in North University City and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

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On 2/21/96, LU&H voted 5-0 to approve the City Manager's recommendation to accept the Facilities Financing Plan "Option B - 3 year all" and to adopt the resolutions. (Councilmembers Mathis, Wear, Stevens, Warden and McCarty voted yea.)

FILE LOCATION: Subitem-A,B: STRT FB-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-125:

SUBJECT: Settlement of the Claims of the Regional Water Quality Control Board.

(See letter from the Regional Water Quality Control Board dated 3/4/96.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1029) ADOPTED AS RESOLUTION R-287045

A Resolution approved by the City Council in Closed Session on Tuesday, December 5, 1995 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager and the City Attorney to pay the total sum of \$1,350,000 in the settlement of each and every claim against the City, its agents and employees, resulting from all pending and potential claims of the Regional Water Quality Control Board, all as detailed in the Board's letter of March 4, 1996;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$350,000 made payable to the State Water Resources Control Board as the cash payment referenced in the above stated letter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-126:

SUBJECT: Visitor Permit for Residential Permit Parking Area "A".
(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-936) ADOPTED AS RESOLUTION R-287046

Authorizing the issuance of visitor permit parking permits in Residential Permit Parking Area "A," under the authority of San Diego Municipal Code Section 86.2003(g);

Declaring that the fee for issuance of a visitor parking permit shall be \$14 per annum.

CITY MANAGER SUPPORTING INFORMATION:

Residential Permit Parking Area "A" was established in October 1981. There is no limit to the number of the residents' parking decals per address per year. However, there is no provision for visitor parking permits in this area. Residents of Area "A" have submitted a ballot to Traffic Engineering. The ballot indicates 80 percent of votes in favor of Visitor Permit Parking in the Residential Permit Parking Area "A". Traffic Engineering Division recommends that one visitor's permit be issued per address per year in Residential Permit Parking Area "A". The fee for the visitor permit would be \$14.00. This fee has been previously established for all parking decals in Residential Permit Parking "A" and "B". The fee is to cover the administrative cost of the program. The following indicates the result of the ballot:

	Number of Votes	Percentage
YES	254	80.0
NO	62	19.5
NEUTRAL	1	--

TOTAL 317*

*This is the total number of residents that responded to the ballot. It does not include all residents in Area "A".

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-127:

SUBJECT: Reprogram CDBG Funds to Neighborhood Housing Services.
(Mid-City Community Area. District-3.)

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1012) ADOPTED AS RESOLUTION R-287047

Authorizing the Auditor and Comptroller to transfer \$8,262 in CDBG Funds from Department 5633, Organization 3308 to Department 4085, Organization 8501 (Neighborhood Housing Services);

Authorizing the expenditure of not to exceed \$8,262 from Department 4085, Organization 8501 (Neighborhood Housing Services), for the purpose of carrying out affordable housing activities.

Aud. Cert. 9600914.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-128:

SUBJECT: North Park Defensible Space Pilot Program.

(See City Manager Report P-96-42; see
Warner/Seuberling's 1/22/96 letter. North Park
Community Area. District-3.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-1014) ADOPTED AS RESOLUTION R-287048

Adopting the North Park Defensible Space Pilot Program.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 2/7/96, PS&NS voted 4-0 to a) approve the North Park Defensible Space Pilot Program; and b) refer the traffic strategy to Traffic Engineering for a report back to the Public Safety and Neighborhood Services Committee in 90 days. (Councilmembers Wear, Kehoe, Stevens, and McCarty voted yea. Councilmember Vargas not present.)

CITY MANAGER SUPPORTING INFORMATION:

The North Park Defensible Space Pilot Program provides a number of programs with a strategy to stabilize and improve neighborhood conditions in the pilot area bound by Lincoln Avenue, Thorn Street, I-805, and 29th Street in the North Park Community. The Public Safety and Neighborhood Services Committee initiated this program in August 1995, as a model program to address neighborhood "fear or crime" issues through improved neighborhood communications, Neighborhood/City Partnerships, public service enhancements, and neighborhood oversight. A Neighborhood-City Partnership was created to identify and prioritize issues, and develop ideas for solutions. Community participation was obtained through public workshops and working sessions with City staff followed by staff field work and technical studies to validate conditions and ideas identified. Through this process, measures to counteract blighting influences were developed by the "Partnership" in the areas of: a) Law Enforcement; b) Enhancement of Neighborhood Character; c) Traffic Control and Calming; d) Infrastructure Improvements; and e) Commercial Improvements. Strategies for implementation include: 1) Building on Existing Programs; 2) Pilot Programs for Traffic Control and Calming; 3) Evaluations of Street Classifications;

and 4) Funding and Implementation of Public Improvements to compliment other ongoing programs. Implementation is to be accomplished over a three year period during Fiscal Years 1997, 1998 and 1999. Moderate funding levels and sources of funding were identified for implementation which would also require the involvement of City-Neighborhood volunteer partnerships. Council is being asked to accept the report and refer it to the City Manager to develop a financing plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-129:

SUBJECT: Conflict of Interest Code for the Public Facilities
Financing Authority.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1036) ADOPTED AS RESOLUTION R-287049

Adopting the Conflict of Interest Code for the Public
Facilities Financing Authority of the City of San
Diego.

CITY MANAGER SUPPORTING INFORMATION:

The Political Reform Act of 1974 (Government Code Section 83700, et seq.) requires all agencies to prepare and submit for approval a Conflict of Interest Code to the City Council. The City Attorney's Office has reviewed the code and has determined that it conforms to the standards set by the Fair Political Practice Commission (FPPC). Employees designated as having potential conflicts of interest were afforded the opportunity to review and comment on the language.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: South Bay Reclamation Sewer and Pump Station, Pipeline Alignment.

(See City Manager Report CMR-96-41. Tijuana River Valley, Otay Mesa-Nestor and San Ysidro Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-755) ADOPTED AS RESOLUTION R-287050

Approving in concept the Pipeline Alignment of the South Bay Reclamation Sewer and Pump Station, subject to future environmental review, as proposed in City Manager Report CMR-96-41.

NATURAL RESOURCES, CULTURE AND THE ARTS COMMITTEE'S RECOMMENDATION:

On 3/6/96, NRC&A voted 3-0 to accept the City Manager's recommendation to conceptually approve the pipeline alignment for the South Bay Reclamation Sewer and Pump Station along Hollister Street, Sunset Avenue, and Dairy Mart Road, subject to future environmental review, and proceed with design. (Councilmembers Mathis, Kehoe and Warden voted yea. Councilmembers Stallings and McCarty not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B180-231.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Actions related to Regulatory Relief Day - Spring 1996.
(See City Manager Report CMR-96-048.)

CITY MANAGER'S RECOMMENDATION:

Approve Regulatory Relief Items 1-12 by introducing the ordinances in Subitems A,C, D-1,E, F, G, H-1,I,J-1, K and L; and by adopting the Resolutions in Subitems B, D-2,H-2, and J-2:

Item 1-Amended Maps

Subitem-A: (O-96-118) INTRODUCED, TO BE ADOPTED ON APRIL 1, 1996

Introduction of an Ordinance amending Chapter XI, Article 1, Division 1, of the San Diego Municipal Code, by amending Section 111.1040 relating to Correction and Amendment of Maps, to expand uses of amending Subdivision Maps.

Item 2-Special Inspectors

Subitem-B: (R-96-786) ADOPTED AS RESOLUTION R-287051

Adoption of a Resolution certifying special inspectors for three years;

Approving the fee schedule for certification effective January 1, 1996;

Waiving the certification fee for the period of June 30, 1995 to January 1, 1996.

Item 3-Special Permits

Subitem-C: (O-96-119) INTRODUCED, TO BE ADOPTED ON APRIL 1, 1996

Introduction of an Ordinance amending Chapter X, Article 2, Division 3 of the San Diego Municipal Code, by amending Section 102.0318, relating to Special Permits Required to Do Work Prior to Filing Final Map, allowing the City Engineer to issue advanced grading permits in the Hillside Review Zone under limited conditions.

Item 4-Coastal Development Permit Exclusion

Subitem-D-1: (O-96-120) RETURNED TO CITY MANAGER

Introduction of an Ordinance amending Chapter VI, Article 2, Division 1; Chapter X, Article 1, Division 4; and Chapter X, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 62.0106, 101.0407, 101.0462, and 105.0204, relating to Coastal Development Permit Exemptions, to exclude 1 and 2 unit residential developments from the requirements of a Coastal Development Permits within the non-appealable portion of the Coastal Zone; and to exclude the demolition of any structure or building within the Coastal Zone.

Subitem-D-2: (R-96-1030) RETURNED TO CITY MANAGER

Adoption of a Resolution certifying that Negative Declaration DEP-95-0691 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; and that the information in the report, with any comments received during the public review process, has been reviewed and considered by Council in connection with the amendments to the Municipal Code relating to Coastal Development Permit Exemptions;

Finding that there is no substantial evidence that the project will have a significant effect upon the environment and approving the Negative Declaration.

Item 5-Legal Lots

Subitem-E: (O-96-121) INTRODUCED, TO BE ADOPTED ON APRIL 1, 1996

Introduction of an Ordinance amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code by amending Section 101.0101.34, relating to the Definition of a Lot, legalizing lots held as separate parcels prior to March 4, 1972.

Item 6-Nonconforming Uses

Subitem-F: (O-96-122) INTRODUCED, TO BE ADOPTED ON APRIL 1, 1996

Introduction of an Ordinance amending Chapter X, Article 1, Division 3, of the San Diego Municipal Code by amending Section 101.0303, relating to Continuance of Nonconforming Uses and Structures, allowing 2 years for discontinuance of nonconforming use without loss of

rights.

Item 7-Landscape Regulations

Subitem-G: (O-96-123) RETURNED TO CITY MANAGER

Introduction of an Ordinance amending Chapter X, Article 1, Division 7, of the San Diego Municipal Code by amending Sections 101.0710, 101.0711, 101.0712 and 101.0713, relating to Citywide Landscape Regulations, to simplify citywide landscape regulations.

Item 8-Hearing Date Consolidation

Subitem-H-1: (O-96-124) INTRODUCED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter XI, Article 1, Division 7, of the San Diego Municipal Code by repealing Section 111.0704 and renumbering Section 111.0705, relating to Consolidation of Hearing Dates, eliminating the requirement to consolidate hearing dates for amendments to a Land Use Plan or the Local Coastal Program.

Subitem-H-2: (R-96-1039) ADOPTED AS RESOLUTION R-287052

Adoption of a Resolution repealing Council Policy 600-35 regarding Processing of Community Plan Amendments.

Item 9-Public Improvement Exactions

Subitem-I: (O-96-125) INTRODUCED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter VI, Article 2, Division 2, of the San Diego Municipal Code by amending Section 62.0206, relating to Public Improvements Incidental to a Building Permit or Structure, eliminating the requirement for applicants to construct public improvements for any residential addition of living space valued at \$50,000 or more.

Item 10-Churches in Commercial Zones

Subitem-J-1: (O-96-126) INTRODUCED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code, by amending Sections 101.0427.1, 101.0428 and 101.0430, relating to Area Shopping Centers, allowing churches by right in certain commercial zones if located in an

existing structure.

Subitem-J-2: (R-96-1047) ADOPTED AS RESOLUTION R-287053

Adoption of a Resolution certifying that Negative Declaration DEP-96-0070 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; and that the information in the report, with any comments received during the public review process, has been reviewed and considered by Council in connection with the amendments to the Municipal Code changing permitted uses to include churches in certain commercial zones. Finding that there is no substantial evidence that the project will have a significant effect upon the environment and approving the Negative Declaration.

Item 11-Elimination of Noise Board

Subitem-K: (O-96-127) INTRODUCED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter V, Article 9, Division 2, of the San Diego Municipal Code by amending Sections 59.5.0202 and 59.5.0204 and repealing Section 59.0207, relating to Elimination of the Board for Abatement and Control of Noise.

Item 12-Penalty Fee Free Days

Subitem-L: (O-96-128) INTRODUCED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter IX, Article 1, Division 3, and Chapter IX, Article 2, Division 3, and Chapter IX, Article 3, Division 4 of the San Diego Municipal Code by amending Sections 91.0304, 92.0303 and 93.0402, relating to Permit Fees and Penalties, suspending penalty fees for six months beginning May 6, 1996 and ending November 8, 1996, for construction work performed without the required permits/approvals.

FILE LOCATION: Subitems-A,C,E,F,H-1,I,J-1,K,L: NONE;
Subitems-B,D-1&2,G,H-2,J-2: MEET

COUNCIL ACTION: (Tape location: B239-D161.)

Hearing began at 3:12 p.m. and halted at 4:35 p.m.

Testimony in opposition by Joanne Pearson, Scott Andrews, and Opal Trueblood.

Testimony in favor by Tracey Morgan, Dick Smith, Eric Gibson, and Carol Eisman.

Mayor Golding announced that the hearing will remain open and that testimony will be allowed at the hearing on April 1, 1996, at which time the ordinances will be before Council for adoption.

Motion by McCarty to move approval of Items 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12, but not Item 4. Accept the amendment to Item 6 by Mathis to add the two years and to include the addition to allow an appeal to the Development Services Director. Second by Warden.

MOTION BY McCARTY TO APPROVE THE CITY MANAGER'S RECOMMENDATION FOR ITEMS 1 THROUGH 12. Second by Warden.

Item 1 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

Item 2 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Item 3 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

AMENDMENT TO THE MOTION BY WEAR TO RETURN ITEM 4 TO THE CITY MANAGER FOR FURTHER WORK AND TO BE BROUGHT BACK TO COUNCIL WITHIN 60 DAYS. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

Item 5 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

AMENDMENT TO THE MOTION BY McCARTY TO AMEND ITEM 6 TO INCLUDE AN APPEAL TO THE DIRECTOR OF THE DEVELOPMENT SERVICES DEPARTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ACCEPT THE AMENDMENT TO THE MOTION BY KEHOE TO RETURN ITEM 7 TO THE CITY MANAGER FOR FURTHER WORK AND TO BE BROUGHT BACK TO COUNCIL WITHIN 60 DAYS. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Item 8 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Item 9 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

AMENDMENT TO THE MOTION BY MCCARTY TO AMEND ITEM 10 TO INCLUDE AN APPEAL TO THE DIRECTOR OF THE DEVELOPMENT SERVICES DEPARTMENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Item 11 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

Item 12 passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Proposed Ordinance Barring Contracts With Persons Who Have Violated Campaign Money Laundering Laws.

(See Report from the City Attorney dated 2/26/96.)

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-33) INTRODUCED AS AMENDED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter II, Article 2, Division 8 of the San Diego Municipal Code by repealing title, reentitling Division 8, renumbering

Section 22.0801, adding new Sections 22.0801, 22.0802, 22.0803, 22.0804, 22.0805, 22.0806, 22.0807, 22.0808 and 22.0809; by amending Chapter II, Article 2, Division 5, by renumbering Section 22.0514, relating to Debarment.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D202-458.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR ITEM-201 AND -202 AS AMENDED WITH DIRECTION TO THE CITY ATTORNEY TO BRING BACK AMENDED LANGUAGE AT THE SECOND HEARING OF THE ORDINANCES ON APRIL 1, 1996, AS FOLLOWS: 1) AS SUGGESTED BY THE CITY ATTORNEY, AMEND SOME SECTIONS WITHIN THE ORDINANCES TO MAKE IT VERY CLEAR THAT THE VIOLATION OR ENFORCEMENT ORDER THAT RAISES THE DEBARMENT WOULD BE A CONVICTION OR ENFORCEMENT ORDER OCCURRING AFTER THE EFFECTIVE DATE OF THE ORDINANCES ONLY; AND 2) AS SUGGESTED BY THE CITY ATTORNEY, DRAFT APPROPRIATE LANGUAGE TO INCLUDE THOSE LOWER LEVELS OF DECISIONMAKERS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Proposed Ordinance Barring Issuance of Land Use Permits to Persons who have Violated Campaign Money Laundering Laws.

(See Report from the City Attorney dated 2/26/96.)

MAYOR GOLDING'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-34) INTRODUCED AS AMENDED, TO BE ADOPTED ON
APRIL 1, 1996

Introduction of an Ordinance amending Chapter XI, Article 1, Division 1, of the San Diego Municipal Code by amending Section 111.0107, by adding Sections 111.0110, 111.0111, 111.0112, 111.0113, and 111.0114 all relating to Denial of Land Use Permits for Violation of Campaign Laws.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: D202-458.)

MOTION BY McCARTY TO INTRODUCE THE ORDINANCES FOR ITEM-201 AND -202 AS AMENDED WITH DIRECTION TO THE CITY ATTORNEY TO BRING BACK AMENDED LANGUAGE AT THE SECOND HEARING OF THE ORDINANCES ON APRIL 1, 1996, AS FOLLOWS: 1) AS SUGGESTED BY THE CITY ATTORNEY, AMEND SOME SECTIONS WITHIN THE ORDINANCES TO MAKE IT VERY CLEAR THAT THE VIOLATION OR ENFORCEMENT ORDER THAT RAISES THE DEBARMENT WOULD BE A CONVICTION OR ENFORCEMENT ORDER OCCURRING AFTER THE EFFECTIVE DATE OF THE ORDINANCES ONLY; AND 2) AS SUGGESTED BY THE CITY ATTORNEY, DRAFT APPROPRIATE LANGUAGE TO INCLUDE THOSE LOWER LEVELS OF DECISIONMAKERS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Amending the SPSP, SPSP-M, SPSP-H, and 401(k) Plans.

(Continued from the meeting of March 4, 1996, Item 111, at the City Manager's request for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-970) ADOPTED AS RESOLUTION R-287054

Amending the SPSP, SPSP-M, SPSP-H, and 401(k) Plans to allow a participant trustee to be appointed for the SPSP Plan and a participant trustee to be appointed for the 401(k) Plan and that a loan program, administered by the Third Party Administrator be instituted.

CITY MANAGER SUPPORTING INFORMATION:

Amendments to the SPSP, SPSP-M, SPSP-H, and 401(k) Plans which allow for the contracting of third party administration and investment services, were previously approved by the City Council through Resolution No. R-285505, adopted by the City Council on March 20, 1995. This resolution establishes Co-Trustees to manage the Trust Fund, including the City Treasurer, the City Manager and the Retirement Administrator or their designees.

These changes will become effective after a vote of approval by the Plan Participants. As the result of recent discussions with Employee Organizations, the following additional changes are recommended for inclusion in the SPSP, SPSP-M, SPSP-H, and 401(k) Plan Documents.

1. One Trustee will be elected by the SPSP, SPSP-M, SPSP-H Plans Participants to serve with the existing Trustees and vote on SPSP related matters. This amendment will be added to the SPSP, SPSP-M, and SPSP-H Plan Documents only.
2. One Trustee will be elected by the active 401(k) Plan Participants to serve with the existing Trustees. This Trustee will only vote on 401(k) related matters. This amendment will be added only to the 401(k) Plan Document.
3. A loan program will be offered for the benefit of the SPSP, SPSP-M, SPSP-H, and 401(k) Plan Participants.

The SPSP Plan Documents specify that before these Plans can be amended for changes not required by State or Federal law, a vote of the Plan Participants must be conducted. A majority of the Plan Participants must approve the proposed changes. This vote will take place in the future and will also include the prior amendments approved by the Council to allow third party administration/investment and Co-Trustees. The City Manager recommends approval of these amendments.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D164-192.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Inviting Bids for the Metro Biosolids Center
Construction Contract for Final Sitework and Truck
Wash.

(NAS Miramar. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-807) ADOPTED AS RESOLUTION R-287055

Inviting bids for the Metro Biosolids Center Construction Contract for Final Sitework and Truck Wash on Work Order No. 198868;

Authorizing the City Manager to establish contract funding phases, based on the actual low bid submitted;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of \$8,838,295 from Fund No. 41509, CIP-42-911.4, Northern Sludge Processing Facility, Phase II, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Stating for the record that the final Environmental Impact Report DEP-91-0653, adopted December 5, 1994 by Resolution No. R-285061, has been reviewed and considered prior to approving this project.

(BID-K94112)

CITY MANAGER SUPPORTING INFORMATION:

The Metro Biosolids Center (MBC) (formerly the Fiesta Island Replacement Project/Northern Sludge Processing Facility) project to be located at NAS Miramar will replace the sludge drying facilities currently located at Fiesta Island. The Final Sitework and Truck Wash is the last of nine construction contracts for MBC. This contract features the facility where the sludge trucks are washed, the permanent access road with associated culverts, and site improvements such as paving, curbs, gutters, sidewalks, lighting, landscaping and irrigation. Mitigation measures related to this action have been incorporated into each package. At this time, approval is requested to advertise for bid and award this contract package. The EIR was certified by City Council on December 5, 1994.

FILE LOCATION: W.O. 198868 CONTFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Inviting Bids for the University City Subsystem -
Reclaimed Water Distribution System Package "F".

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-803) ADOPTED AS RESOLUTION R-287056

Inviting bids for the University City Subsystem -
Reclaimed Water Distribution System Package "F" on Work
Order No. 196831;

Authorizing the City Manager to establish contract
funding phases with the lowest responsible bidder,
based on the actual low bid submitted;

Authorizing a contract with the lowest responsible
bidder, provided the City Auditor first furnishes a
certificate demonstrating that the funds necessary for
expenditure are, or will be on deposit in the City
Treasury;

Authorizing the expenditure of \$6,424,590 from Water
Fund No. 41500, CIP-70-927.0, University City
Subsystem, for the purpose of providing funds for this
project construction, contingency and related costs,
provided the City Auditor first furnishes a
certificate demonstrating that the funds necessary for
expenditure are, or will be on deposit in the City
Treasury;

Authorizing the Auditor and Comptroller upon advice
from the administering department, to transfer excess
budgeted funds, if any, to the appropriate reserves;

Amending the FY 1996 Budget Ordinance to increase the total appropriations in the Water Operating Fund 41500 by \$6,424,590 and authorizing the transfer of \$6,424,590 to CIP-70-927.0.

(BID-K96110)

CITY MANAGER SUPPORTING INFORMATION:

The Optimized Reclaimed Water Distribution System will convey reclaimed water produced at the North City Water Reclamation Plant (NCWRP) to over 300 customers. The limits of the optimized system service area extend from NCWRP south to State Highway 52, west to Torrey Pines Golf Course and east to the City of Poway. The optimized system has been divided into nine packages in order to maximize the participation of the local contractors. The optimized system is included in the Interim Order of August 28, 1994, issued by the U.S. Federal Court. The University City Subsystem is one of the nine packages. This package consists of four segments totaling approximately 41,000 lineal feet of 4" to 16" pipelines, and the work is scheduled to be completed within 200 calendar days. The pipeline alignment starts at a tee connection with the Genesee Avenue Subsystem at Executive Drive, running south along Regents Road terminating at Arriba Street. The second segment starts at the intersection of Regents Road & Nobel Drive, running west along Nobel to Lebon. The third segment connects at the intersection of Regents Road running east along Nobel Drive to Towne Centre Drive. The fourth segment connects with the North City Raw Sludge and Water Pipeline project at the end of Governor, west under I-805, then along Governor Drive to Erlanger Street and terminating at the end of the street where it will connect to Highway 52 irrigation system. At this time only approval of the plans and specifications, authorizing for advertisement and award for construction of Package "F" (University City Subsystem) is requested.

Aud. Cert. 9600638.

FILE LOCATION: W.O. 196831; CONT-Thomas Pipeline, Inc.
CONTFY96-1

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: North City Raw Sludge & Water Pipelines - Fund Phase 3.

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1021) ADOPTED AS RESOLUTION R-287057

Authorizing the Auditor and Comptroller to transfer not to exceed \$2,000,000 from Sewer Fund 41509, CIP-46-170.0, Point Loma Digester Facility Upgrade and Expansion, and not to exceed \$747,320 from Sewer Fund 41509, CIP-40-921.0, FIRP Phase II Digested Sludge and Centrate Pipeline, both to Sewer Fund 41509, CIP-42-911.3, North City Raw Sludge and Water Pipelines;

Authorizing the expenditure of not to exceed \$2,747,320 from Fund 41509, CIP-42-911.3, North City Raw Sludge and Water Pipelines as follows: \$2,616,495 for construction, and \$130,825 for contingency in connection with the above project.

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-286019 authorized the City Manager to execute a contract with the lowest responsible bidder for the North City Raw Sludge and Water Pipelines, Part 2. On October 13, 1995, the City Manager accepted the low bid of Cass Construction and established funding phases. This action is to transfer adequate funds for execution of Phase 3 with Cass Construction.

Aud. Cert. 9600944.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

SUBJECT: Declaring a Continued State of Emergency regarding the
Discharge of Raw Sewage from Tijuana, Mexico.

(San Ysidro and Tijuana River Valley Community Areas.
District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-96-965) ADOPTED AS RESOLUTION R-287058

Declaring a continued State of Emergency regarding the
discharge of raw sewage from Tijuana, Mexico.

SUPPORTING INFORMATION:

For more than 60 years, raw sewage from the Republic of Mexico has flowed unabated into the United States plaguing the residents of San Diego. This flow is a serious threat to the region, creating health hazards, forcing the closure of beaches and impacting local businesses. For this reason, the City Council has continued to declare a State of Emergency in the Tijuana River Valley. The solution to this long standing problem is the construction of the International Treatment Facilities. The facilities consist of a 25 million gallon per day (mgd) secondary treatment plant in the United States, canyon collectors in Goat Canyon and Smuggler's Gulch to collect renegade sewage, and the South Bay Ocean Outfall. The status of these projects is as follows:

SOUTH BAY INTERNATIONAL WASTEWATER TREATMENT PLANT

- A. Construction Contract 1 (CC-1) - Site Preparation.
Construction: Completed February 23, 1995 at a cost of \$4,873,615.
- B. Construction Contract 2 (CC-2) - Advanced Primary Facilities.
Construction: June 1995 - March 1997.

As of January 31, 1996, construction was 39 percent complete.

Construction completion is on target for the December 1996 goal, with startup testing projected for January 1997. Overall, rebar placement, electrical conduit installation, and concrete placement are ongoing for all major structures.

Most of the below ground structures are near completion and backfilling of foundations is ongoing. Foundations have been constructed for the unstabilized sludge storage tanks, unstabilized sludge mixing station, unstabilized sludge odor reduction station, sludge feed pump station, grit chamber, and main switchgear building. Lower and mid-walls have been constructed for the solids processing building, headworks, and primary sedimentation gallery and tanks. The center columns have been constructed in the truck loading facility. The roof and vertical steel supports for the personnel building have been installed. The majority of the 96-inch influent line from Mexico has been installed from near Stewart's Drain to the headworks.

C. Construction Contract 3 (CC-3) - Secondary Treatment Facilities.

Design: December 1993 - March 1996
Construction: On-hold

The construction of this project is on hold pending the completion of a Supplemental Environmental Impact Statement (SEIS) and a decision on the best alternative method for secondary treatment. A draft SEIS is expected to be released for public review in Summer 1996.

D. Construction Contract 4 (CC-4) - Collection System.

Design: December 1993 - March 1996
Bid Solicitation: April 1996 - July 1996
Construction: August 1996 - August 1997

Design is proceeding.

E. Funding for the International Treatment Facilities.

While construction of the advanced primary plant is proceeding on schedule a larger and more serious problem is at hand with the budget for the project. Overall, Congress has appropriated \$239 million for the construction of the International Treatment Facilities. Based upon current construction estimates, the federal government has enough funds to complete the construction of the advanced primary plant, their share of the ocean outfall and the canyon collectors. There is a \$39 million deficit in funding for the completion of the secondary portion of the treatment plant, which is estimated at \$69 million. Additionally, due to the current federal budget problems, the International Boundary and Water Commission (IBWC) does not have the funding available to issue the requests for proposal for contractors to operate the International Treatment Plant,

which is scheduled to come on line in early 1997. The IBWC projects that they will need approximately \$300,000 in FY 1996 to begin the procurement process for a contractor and \$15 million in FY 1997 and every year thereafter to operate the plant. Also, the IBWC is currently using the Tijuana Emergency Connection to convey Mexican sewage to Point Loma for treatment. The average flow has been approximately 5 million gallons per day. Currently, the IBWC is up to date in their reimbursement to the City for the use of the emergency connection, however, the IBWC projects that they will run out of FY 1996 funds to reimburse the City by the end of March 1996. The City currently charges the IBWC \$1,099 per million gallon treated. At a rate of 5 million gallons per day, this is equivalent to \$164,800 per month, or a shortfall of \$988,800 by the end of FY 1996. Funding is also needed in FY 1997, as use of the emergency connection is one of the leading alternatives for interim discharge from the advanced primary plant until the South Bay Ocean Outfall is completed. The IBWC has requested any assistance that the City can provide in lobbying Congress to appropriate the necessary funding to complete the construction of the International Treatment Facilities and to properly operate and maintain these facilities. At the request of the City, Senator Diane Feinstein in a December 20, 1995 letter to the Environmental Protection Agency asked for information related to the funding of the International Treatment Plant. A reply was received on February 20, 1996 indicating that serious funding shortfalls exist for both capital and operating functions at the plant. The City will maintain close communications with the local delegation as well as cognizant Federal Agencies to seek resolution of the funding shortfall.

SOUTH BAY OCEAN OUTFALL

On June 29, 1995, the Surfriders Foundation initiated a lawsuit against the City of San Diego requesting that the City Council's May 22, 1995 approval of the Environmental Impact Report for the South Bay Ocean Outfall be set aside. The law firm of McCutcheon Doyle is handling this lawsuit for the City. A hearing was held on January 30, 1996. The judge asked for additional information by February 6, 1996. A decision is still pending.

- A. Package 1 - Special Structures.
Bid Solicitation: November 2, 1995 - January 9, 1996
Construction: April 1996 - July 1997

A notice of intent to award is expected to be issued to Colich and Sons by the end of March, with a notice to

proceed by the end of April.

- B. Package 2 - Tunnel.
Construction Contractor: Traylor Brothers/Obayashi
Bid: \$88,285,000
Construction: September 1995 - May 1998
Startup: June 1998

The contractor has completed drilling freeze holes for the installation of the drop shaft. The ground freezing operation is to commence the week of March 4, 1996. The ground freezing operation will take approximately six weeks. The drop shaft is scheduled to be completed by June 1996. The tunnel boring machine is scheduled to be delivered by May 1996.

- C. Package 3 - Marine Works.
Construction Contractor: Fletcher General, Inc.
Bid: \$36,442,000
Construction: November 1995 - October 1997

The mobilization schedule is currently under review. The contractor is scheduled to be on-site by May 1996 and the marine work 777 is scheduled to begin in June.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B025-179.)

CONSENT MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-208:

SUBJECT: Phase IV Interim Agreement with Golden Turner for the Convention Center Expansion Project.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-1044 Cor. Copy) TRAILED TO TUESDAY, MARCH 19, 1996

Authorizing Phase IV of an interim agreement with Golden Turner, for additional design and other services related to the Convention Center Expansion Project in an amount not to exceed \$2,000,000, on the identification of such funding source and confirmation of such funding source by the City Auditor furnishing a certificate that funds necessary for such expenditure are in the treasury as called for in Section 80 of the San Diego City Charter.

CITY MANAGER SUPPORTING INFORMATION:

On December 12, 1994, the City Council selected Golden Turner as the Design/Build Team for the Convention Center Expansion Project. On April 18, 1995, the City Council authorized the City Manager to negotiate and execute a Phase I interim agreement with Golden Turner. The City Council authorized the City Manager on October 2, 1995 to execute a Phase II interim agreement with Golden Turner. On December 4, 1995 City Council authorized the City Manager to execute a Phase III interim agreement. In order to keep the Convention Center Expansion Project on track, the City Manager respectfully requests authorization from the City Council to negotiate and enter into a Phase IV interim agreement with Golden Turner.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A648-B017.)

ITEM-S400: DISCUSSION HELD

In the matter of the Agreements between the City of San Diego and the San Diego Convention Center Corporation, Inc. to provide Operating and Maintenance Services for the San Diego Convention and Performing Arts Center, the Council should:

1. Determine whether the San Diego Convention Center Corporation (SDCCC) intends to enter into a sole source contract for services with Nederlander, Inc., or any other entity for the operation and maintenance of the Civic Theater, specifically for services or functions currently performed by the SDCCC with respect to the City Theater.
2. If so, determine the scope of services and functions the SDCCC intends to devolve to Nederlander, or such

other entity, including but not limited to:

- a) any day-to-day administration and maintenance of the Civic Theater/Concourse
- b) any decision-making authority with respect to the use or rental of the Civic Theater/Concourse
- c) any ability to enter into contracts on behalf of the SDCCC with respect to the use of rental of the Civic Theater/Concourse
- d) any formulation of policies and procedures with respect to the use or rental of the Civic Theater/Concourse

3. Determine whether any such contract falls within, or is outside of, the grant of contract authority given by the City to the SDCCC under the Agreements between the City and the SDCCC.

- a) If the contract falls outside of the grant of authority, the Council should consider its options, including:
 - i) meeting with the SDCCC to informally resolve the Council's concerns
 - ii) amendment of the Agreements to require Council approval of the contract, or to remove from the duties of the SDCCC the operation of the Civic Theater/Concourse
 - iii) revision of the budget to address the allocation of funds to administration of the Civic Theater/Concourse
 - iv) termination of all or a part of the Agreements between the City and the SDCCC
- b) Determine whether the SDCCC has the authority to impose a facility use fee (entertainment tax)?
- c) Determine whether the scope of the contract with SDCCC allows the closure of the Concourse.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D472-G142.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:01 p.m. in honor of the memory of:

Mamie Nell Moore as requested by Mayor Golding;
Gail Belkin and Sam Bloom as requested by Council
Member Warden;
Pat Houston, James E. Hervey, and Francis C.
Wentink as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G348-436).